



# DOCKET

06-0II-1

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June 16, 2006

California Energy Commission  
Dockets Office, MS-4  
1516 Ninth Street  
Sacramento, CA 95814-5512

**Re: Docket No. 06-0II-1 – Statewide Guidelines for Reducing Wildlife Impacts from Wind Energy Development**

Dear Commissioners Geesman and Pfannenstiel:

The Center for Energy Efficiency and Renewable Technologies would like to commend the Energy Commission for its leadership in the effort to move beyond the existing conflicts of wind energy and its biological impacts. Finding better ways to facilitate increased wind development with enhanced ecological responsibility is an ideal which we share, and we believe that this process of developing statewide guidelines will be a crucial step forward for that cause. CEERT, whose affiliate organizations include the wind developers, PPM Energy, Horizon Wind Energy, FPL Energy, EnXco, Inc., AES Wind Generation and Oak Creek Energy Systems, as well as National Resources Defense Council, Environmental Defense and Union of Concerned Scientists, plans active and constructive participation and is very encouraged by the work done so far by the staff of the Energy Commission and the California Department of Fish and Game.

This is an effort that will be of great importance for numerous reasons. California has long been a leader in finding policies that both protect the environment and allow our state's economy to grow. The guidelines present another opportunity to successfully resolve these difficult policy questions and set a better example for others to follow. Equally important, wind energy generates none of the green house gas and criteria air pollutants released in conventional fossil generation, which have proven negative impacts on both human and other biological populations including birds and bats. Those working together in this collaborative process share many common goals and this point cannot be forgotten as we work to resolve the issues being addressed with the development of state guidelines.

## **Draft Guidelines Process Overview**

CEERT supports the inclusion and discussion of all the major topics outlined in the draft guidelines: Pre-permitting assessment/monitoring; impact analysis; post-construction monitoring/reporting; and mitigation. These issues must all be part of a successful guidelines document. However, given the research gaps that are apparent surrounding the wildlife impacts from wind energy and the variation in the scope and methods of avian wind site studies historically performed in California, we feel that the focus of these guidelines should first be on the pre-permitting survey and assessment protocols as well as the post construction monitoring and reporting protocols. By developing a standardized process for these studies and their relationship to development, data and analysis from different projects in different regions around the state can be more effectively synthesized. This will help to provide a stronger baseline and statistical background to answer the policy questions raised in the other portions of the draft outline, particularly how to determine significance of biological impacts as well as the appropriateness and proper use of certain mitigation measures.

Within the discussion of mitigation measures it will be important to focus on the first two varieties outlined in the draft guidelines: pre-construction avoidance/minimization measures and post-construction measures. Since the first turbines were installed in Altamont Pass and Tehachapi wind resource areas over 25 years ago, turbine technology and turbine siting techniques have seen substantial improvement and innovation. A major driver of this development has been the desire to minimize the impacts on avian species due to wind energy. However, in many cases the effect of these mitigation measures has not been consistently or adequately evaluated against baseline pre-construction data analysis. Measures like larger turbines with lower RPM, the use of tubular rather than lattice towers and micro-siting of turbines already being undertaken by the wind industry may reduce mortality levels at wind energy sites. But without adequate post-construction evaluation of these measures we cannot be sure of their effectiveness.

Given the lack of scientific evaluation of many mitigation measures we feel that inclusion of compensatory mitigation within this first version of the guidelines would be premature. While we do not dispute the fact that compensatory mitigation may be appropriate in the future, we feel that the use of these guidelines to build sets of data from projects that have implemented and evaluated will be necessary to determine the necessity of any additional mitigation. If there is a compelling rationale for compensatory mitigation or other types of mitigation for a particular wind project, the CUP/CEQA process is designed to ensure such mitigations measures are considered.

In the guidelines discussion of impact analysis and determination of significance, CEERT again feels that with the level of knowledge currently available, a specific protocol for the determination of significance beyond what CEQA already requires would be premature. The most logical way to address this question will be to determine how these guidelines can be used to ensure that, to the extent possible, sufficient information is generated to support an informed determination of significance by the CEQA lead agencies. In the interim it will be the job of the guidelines to ensure that wind companies are taking all

reasonable measures at their disposal to minimize wind energy's impacts on wildlife populations.

### **Public Workshops**

In discussions with those having past experience with similar guidelines processes at the national and state level, one comment that has been made a cross the board is that the more public input is taken, the more credibility will be given to the guidelines when they are put into use. We encourage the Commission to seek out public input whenever possible. CEERT recognizes the importance of having guidelines which are science based and collaboratively constructed. At the same time it will also be very important that those who will be using the guidelines be able to comment on how they will be applied and clarifying how they will be interpreted. These are questions of great importance if the guidelines are to be successful, but cannot be easily answered by agency staff alone or those sitting on the Scientific Advisory Committee, nor should they be. It will be the responsibility of the Commission and the facilitators of this collaborative process to ensure that sufficient public input is sought on all matters and subsequently incorporated into the guidelines to the extent possible.

Realizing that the commission is seeking input to the construction of the schedule of this process, we want to encourage a more ambitious schedule of public workshops and hearings. At the very least, each major topic of the draft outline (pre-permitting assessment/monitoring; post-construction monitoring/reporting; and, impact analysis and mitigation) deserves its own public workshop so all stakeholders are able to learn the state of current knowledge on that issue in California and elsewhere. Furthermore these workshops are an excellent opportunity to allow stakeholders to discuss ways to resolve outstanding issues and problem solve.

Additionally we would like to suggest a workshop to discuss research needs and coordination of research efforts between wind developers and the Energy Commission's PIER program. In the development of a new wind site, undoubtedly new surveys and research will be completed by the developers as we have already seen from the newest developments in California. At the same time we anticipate that there will also be research projects which take place in the broader public interest through the PIER program. The close relation between these two efforts mean a high level of coordination should be sought between those involved in the guideline development and those involved in the PIER program. While this may already be happening at a staff level it will also be important to provide opportunity for public input on these efforts.

### **Scientific Advisory Committee**

Construction of an independent, objective Scientific Advisory Committee (SAC) will be paramount in the success of these guidelines. Given the contentiousness of the issues at hand, we realize this is not an easy task. CEERT supports all of the names that have been brought to our attention and feel that the commission staff has been very diligent and balanced in its selection efforts. These names include:

- Bob Thresher
- Mike Green
- Bronwyn Hogan
- Bill Rainey
- Dick Anderson
- Pete Bloom
- Ken Pollock
- Jane Hall

While some have expressed reservations about the use of consultants who have been paid by the wind industry in the past, this is a scenario which is near impossible to avoid when also working to include people who have experience with wind siting biological surveys. The most important criteria in assessing such individuals should be a reputation for credibility and objectivity as well as past experience working successfully in such collaborative settings. The ability to move the discussion forward at points of disagreement is difficult to find, but will be of great importance on the SAC. Good science based on reliable information should be the basis of such advancement. We would also like to encourage the Commission to look past individuals with conventional biological scientific backgrounds and stay open to the inclusion of other types of scientists who may provide a helpful and unique point of view. We feel that a diversity of training and backgrounds on the SAC may inject an alternative voice in the decision making process which may have been lacking from similar efforts in the past.

## **Conclusion**

CEERT would again like to thank the Commission for its leadership on this issue and looks forward to work on the development and implementation of guidelines that ensure the successful expansion of wind power in California while protecting birds, bats and other wildlife.

Sincerely,

Paul Vercruyssen  
Development Coordinator

cc: The Honorable Ryan Broddrick, Director, DFG  
The Honorable John McCamman, Chief Deputy Director, DFG